

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Criminal Law Advisory Committee  
Hon. Steven Z. Perren, Chair  
Joshua Weinstein, Attorney, 415-865-7688, [joshua.weinstein@jud.ca.gov](mailto:joshua.weinstein@jud.ca.gov)

DATE: August 6, 2003

SUBJECT: Form Interrogatories for Collecting Unpaid Victim Restitution in Criminal Cases (adopt form CR-200, *Form Interrogatories—Crime Victim Restitution*) (Action Required)

---

Issue Statement

Code of Civil Procedure section 2033.5 provides that the Judicial Council shall adopt form interrogatories to assist crime victims in collecting restitution.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2004, adopt form CR-200, *Form Interrogatories—Crime Victim Restitution*, to assist crime victims in collecting restitution.

The text of proposed form is attached at pages 3–6.

Rationale for Recommendation

These form interrogatories, which would assist crime victims in collecting unpaid restitution, are required by Code of Civil Procedure section 2033.5(d) and (e). A copy of that section is attached at page 11. Based on the existing Judicial Council form interrogatories in civil cases, these forms retain the same formatting; however, the substance of the forms was adapted to address the criminal defendant's financial status.

Alternative Actions Considered

Because the form is required by statute, no other actions were considered.

### Comments From Interested Parties

The form was circulated for 11 weeks during the Spring 2003 comment cycle. There were six comments, two of which agreed with the proposal and four agreeing if it is amended. Most of the suggested amendments addressed technical matters and many of them were incorporated into the form. They are specifically addressed in the attached comment chart.

The comment chart is attached at pages 7–10.

### Implementation Requirements and Costs

Implementation costs would be limited to the cost of copying forms.

### Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   ATTORNEY FOR (Name): 	TELEPHONE NO.:  FAX NO. (Optional):  E-MAIL ADDRESS (Optional):  <div style="text-align: center; font-size: 24pt; font-weight: bold; margin-top: 20px;"> <b>DRAFT 6</b>  <b>10/1/03</b> </div>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  BRANCH, IF ANY: 	
SHORT TITLE OF CASE:  	
<div style="text-align: center; font-weight: bold; margin-bottom: 10px;"> <b>FORM INTERROGATORIES—CRIME VICTIM RESTITUTION</b> </div> <b>Asking Party:</b>  <b>Answering Party:</b> <b>Set No.:</b>	CASE NUMBER:  

### Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to the action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use by victims in criminal cases to assist them in recovering unpaid restitution.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure section 2030.
- (c) These form interrogatories do not change existing law relating to interrogatories, nor do they affect an answering party's right to assert any privilege or make any objection.

### Sec. 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use by crime victims to assist them in recovering unpaid restitution as provided in Code of Civil Procedure section 2033.5(d) and (e).
- (b) Check the box next to each interrogatory that you want the answering party to answer. Take care to choose those interrogatories that are applicable to the case.
- (c) Additional interrogatories may be attached.

### Sec. 3. Instructions to the Answering Party

- (a) You must answer or provide an appropriate response to each interrogatory checked by the asking party.
- (b) As a judgment debtor you must disclose assets up to an amount clearly sufficient to satisfy the judgment.
- (c) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared in court. See Code of Civil Procedure section 2030 for details.
- (d) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (e) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good-faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(f) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(g) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you need only provide them in the first interrogatory asking for that information.

(h) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(i) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

*"I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct."*

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

### Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.
- (b) **ADDRESS** means the street address, including city, state, and zip code.
- (c) **ASSET** or **PROPERTY** includes any interest in real estate or personal property. It includes any interest in a pension, profit-sharing, or retirement plan.
- (d) **SUPPORT** means any benefit or economic contribution to the living expenses of another person, including gifts.

## Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.5(d).

### CONTENTS

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 Current Income
- 4.0 Employment Information
- 5.0 Employment History
- 6.0 Support Received From Others
- 7.0 General Background Information—Business
- 8.0 Bank Accounts and Cash
- 9.0 Property
- 10.0 Other Assets
- 11.0 Other Income
- 12.0 Liabilities and Debts

#### 1.0 Identity of Persons Answering These Interrogatories

- ☐ 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the response to these interrogatories. *(Do not identify anyone who simply typed or simply reproduced the responses.)*

#### 2.0 General Background Information—Individual

- ☐ 2.1 State:
- (a) your full name;
  - (b) every name you have used in the past;
  - (c) the dates you used each name.
- ☐ 2.2 State the date and place of your birth.
- ☐ 2.3 State:
- (a) your present residence **ADDRESS** and telephone number;
  - (b) whether you live in a private home, apartment, or other type of residence;
  - (c) if you live in a private home, who owns it;
  - (d) if you live in an apartment, the name and **ADDRESS** of your landlord, the monthly rent, and the name of the **PERSON** who pays the rent;
  - (e) your residence **ADDRESSES** for the past five years;
  - (f) the dates you lived at each **ADDRESS**.
- ☐ 2.4 State:
- (a) the name, **ADDRESS**, and telephone number of each school or other academic or vocational institution you have attended, beginning with high school;
  - (b) the dates you attended;
  - (c) the highest grade level you have completed;
  - (d) the degrees you received;
  - (e) the dates the degrees were received.
- ☐ 2.5 Do you have a driver's license or identification card? If so, state:
- (a) the state or other issuing entity;
  - (b) the license or identification card number, type of license, and expiration date.
- ☐ 2.6 State any and all social security numbers that you have.
- ☐ 2.7 Are you married? If so, state:
- (a) your spouse's full name;
  - (b) any maiden name;
  - (c) the date of your marriage;
  - (d) your spouse's current **ADDRESS**.

- ☐ 2.8 Have you ever filed for bankruptcy? If so, state:
- (a) the disposition;
  - (b) the court;
  - (c) the year.
- ☐ 2.9 Have you filed income tax returns during the last three years? If so, state:
- (a) the dates filed;
  - (b) a date and place where the records can be inspected;
  - (c) whether you are attaching the income tax records to your answers to these interrogatories.

#### 3.0 Current Income

- ☐ 3.1 List all income you received during the past 12 months, its source, the basis for its computation, and the total amount received from each source.

#### 4.0 Employment Information

- ☐ 4.1 State:
- (a) the name, **ADDRESS**, and telephone number of your present employer;
  - (b) your current title, the nature of your work, and dates of employment;
  - (c) whether you work part-time or full-time;
  - (d) the frequency of payment (weekly, biweekly, or monthly);
  - (e) gross pay;
  - (f) net pay;
  - (g) whether you receive additional compensation for overtime pay;
  - (h) the average amount of overtime you work per week;
  - (i) the form of payment of salary (*check, cash, or other; if other, please explain*);
  - (j) the name and **ADDRESS** of each bookkeeper, payroll clerk, or other person having records of salaries or other sums of money paid to you by your present employer.
- ☐ 4.2 Are you self-employed or an independent contractor? If so, state:
- (a) the address and telephone numbers of the persons or businesses for whom you have performed work or services during the last 12 months;
  - (b) the nature of the work or services performed and the dates they were provided;
  - (c) whether you billed each service or the work performed at a flat rate, an hourly rate, or a job rate, and the amount of payment you received;
  - (d) the name and **ADDRESS** of each bookkeeper, payroll clerk, or other person having records of salaries or other sums of money paid to you during the last three years for your work.

#### 5.0 Employment History

- ☐ 5.1 State the employer's name and **ADDRESS**, dates of employment, job title, and nature of the work for each job you have had in the last five years. If you were self-employed in the last five years, state your business **ADDRESS**, dates of self-employment, title, and nature of the work.

## 6.0 Support Received From Others

- ☐ 6.1 Have you received any financial **SUPPORT** in the last three years? If so, state:
- (a) the name, age, **ADDRESS**, and relationship to you of each **PERSON** from whom you have received **SUPPORT**;
  - (b) the dates you received the **SUPPORT** and the amount you received.

## 7.0 General Background Information—Business

- ☐ 7.1 Are you in any partnerships? If so, state for each:
- (a) the current partnership name;
  - (b) all other names used by the partnership in the last five years and the dates each was used;
  - (c) whether you are a limited partnership and, if so, in what jurisdiction it operates;
  - (d) the name and **ADDRESS** of each general partner;
  - (e) the **ADDRESS** of the principal place of business.
- ☐ 7.2 Have you done any business under a fictitious name during the last five years? If so, state:
- (a) the current and any former fictitious business names;
  - (b) the dates each was used;
  - (c) the **ADDRESS** of the principal place of business.

## 8.0 Bank Accounts and Cash

- ☐ 8.1 Do you have, in your own name or jointly with another **PERSON**, any bank accounts, commercial savings accounts, credit union accounts, or safe deposit boxes? If so, state for each:
- (a) the institution's name and **ADDRESS** where the account or the safe deposit box is located;
  - (b) the amount of the balance of any account and the contents of any safe deposit box;
  - (c) the source of the money in any account or safe deposit box;
  - (d) the date you last made a deposit;
  - (e) the type and the amount of your last deposit;
- ☐ 8.2 Do you or your spouse have, in your or your spouse's name or jointly with another **PERSON**, any bank accounts, commercial savings accounts, credit union accounts, or safe deposit boxes? If so, state for each:
- (a) the institution's name and **ADDRESS** where the account or the safe deposit box is located;
  - (b) the source of the money in your spouse's bank account or safe deposit box.

## 9.0 Property

- ☐ 9.1 Do you or your spouse own or have any interest in **PROPERTY** in California or elsewhere? If so, state:
- (a) the **ADDRESS** of any real estate, land, buildings, apartments, or condominiums in which you hold an interest;
  - (b) the date acquired and the current value of any real estate, land, buildings, apartments, or condominiums in which you hold an interest.
- ☐ 9.2 Do you or your spouse own or have any interest in stocks, bonds, or other securities or IRA, Keogh, or deferred compensation accounts? If so, state the source, value, and location of each.

- ☐ 9.3 Are you or your spouse entitled to any money from any federal, state, city, county, or governmental department or agency? If so, state the agency, the date you received or will receive the money, and the amount.
- ☐ 9.4 Have you or your spouse inherited any money or property in the last two years? If so, state the nature and value of the money or property and the date you received it.
- ☐ 9.5 Do you or your spouse have vehicles? If so, state for each:
- (a) the model, make, year, and owner's name;
  - (b) whether you own it;
  - (c) if it is encumbered, state to whom and to the amount.
- ☐ 9.6 Do you have any pending civil actions? If so, state for each:
- (a) the parties' names, the court, and the case number;
  - (b) the nature of the claim.
- ☐ 9.7 During the last three years have you received any judgments or insurance settlements? If so, state for each:
- (a) the source or the judgment or insurance settlement;
  - (b) the amount of the judgment or insurance settlement.
- ☐ 9.8 Have you or your spouse applied for loans from any banks, credit unions, financial companies, or other lending institutions in the last three years? If so, state for each:
- (a) if the loan was approved;
  - (b) the amount of the loan;
  - (c) what you or your spouse did with the proceeds.
- ☐ 9.9 Do you own any of the following items? If so, describe each item, the item's location, its approximate value, and any joint owner:
- (a) office equipment;
  - (b) farm equipment;
  - (c) gemstones or jewelry;
  - (d) camera or video equipment;
  - (e) antiques;
  - (f) precious metals (gold or silver);
  - (g) musical instruments;
  - (h) weapons;
  - (i) motorcycles;
  - (j) motor homes;
  - (k) boats;
  - (l) airplanes;
  - (m) furs;
  - (n) watches;
  - (o) stamp or coin collections;
  - (p) china;
  - (q) original works of art;
  - (r) crystal.

## 10.0 Other Assets

- ☐ 10.1 Does any **PERSON**, company, or institution owe you money? If so, state for each:
- (a) the name, **ADDRESS**, and telephone number of the person or institution;
  - (b) the amount of the debt;
  - (c) the basis of the debt;
  - (d) the date the debt is due to be paid.

- ☐ 10.2 Do you have any pending court proceedings in a California court where you have posted cash bail to guarantee your appearance? If so, state:
- (a) the name of the court and date of posting;
  - (b) the amount of cash bail posted;
  - (c) the date to appear.
- ☐ 10.3 Are you the beneficiary of any trusts, or do you have any ownership interest in any partnerships, corporations, or companies? If so, state:
- (a) the name and **ADDRESS** of each trustee, partnership, corporation, or company;
  - (b) the date each entity or trust was established;
  - (c) the **ASSETS** of each trust or entity.

#### 11.0 Other Income

- ☐ 11.1 During the last three years have you received cash or other property not identified in the above interrogatories? If so, state:
- (a) the nature and value of the cash or property;
  - (b) the source of the cash or property;
  - (c) the current location of the cash or property.

#### 12.0 Liabilities and Debts

- ☐ 12.1 Are there any other judgments of record against you? If so, state for each:
- (a) the date entered;
  - (b) the location of the court and the names of the parties;
  - (c) the case number;
  - (d) the amount of the judgment;
  - (e) whether you have made any payments;
  - (f) the amount and source of the payments;
  - (g) the amount still due.
- ☐ 12.2 What are your average monthly expenses, and how are they met?
- ☐ 12.3 Are there any liens, levies, or garnishments against your assets or wages? If so, please explain each in detail.
- ☐ 12.4 Have you paid any fines or fees in the criminal case in which the asking party is the victim?

**SPR03-27**

**Form Interrogatories for Collecting Unpaid Victim Restitution in Criminal Cases**  
**(adopt form CR-200, Form Interrogatories—Crime Victim Restitution)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Ms. Linda Durand Court Program Manager Superior Court of California, County of Ventura	A	N	None.	
2.	Mr. Robert Gerard President Orange County Bar Association	A	Y	None.	
3.	Richard L. Haeussler Haeussler & Associates	AM	N	<p>First, I agree that the form is needed. However, I was somewhat confused by the layout.</p> <ol style="list-style-type: none"> <li>1. What caption would be used? The victim is not really a party to the criminal case. Thus the caption [case title] should be <i>People vs. Jones</i>.  I would suggest that the caption should be People vs. Jones, defendant; Smith, Intervenor, [or claimant].</li> <li>2. What case number would be used? The typical restitution order is part of the criminal case and then the criminal case number would be the one used.</li> <li>3. The instructions do not give any guidance to what is being sought.</li> <li>4. The questions do not address themselves to the issue of “has the defendant paid all the fines and penalties assessed in the criminal case”??</li> </ol>	<ol style="list-style-type: none"> <li>1. Disagree. Courts do not handle restitution collection uniformly and interrogatories may therefore also be used for collection in civil cases.</li> <li>2. Case number to be used would depend on whether collection is in a criminal or civil case.</li> <li>3. Instructions similar to those in other form interrogatories.</li> <li>4. Agree. Added to 12.0.</li> </ol>

**SPR03-27**

**Form Interrogatories for Collecting Unpaid Victim Restitution in Criminal Cases**  
**(adopt form CR-200, Form Interrogatories—Crime Victim Restitution)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				This issue would be very important, and should be addressed.	
4.	Hon. Suzanne N. Kingsbury Presiding Judge Superior Court of California, County of El Dorado	AM	N	<ol style="list-style-type: none"> <li>1. Will courts be required to appoint counsel to assist the defendant in filling out the form?</li> <li>2. Given the low literacy rate of many of our criminal defendants, is it really realistic to think that they will effectively answer these detailed questions in a manner that will assist in the collection of restitution? It would seem that a simpler format, along the lines of the new forms that were developed for domestic violence matters, that are designed to be “user friendly” to those with low literacy skills, might produce better results.</li> <li>3. Another concern is whether the courts will be required to provide an interpreter to assist non-English-speaking defendants in completing the form? Are there plans to translate the form into Spanish and some of the more common languages? I think there might be a less cumbersome manner to collect this information.</li> </ol>	<ol style="list-style-type: none"> <li>1. No; the form addresses civil collection of debt.</li> <li>2. Not initially, but that is an idea worth investigating.</li> <li>3. See answer to No. 1.</li> </ol>
5.	Mr. Antonio R. Sarabia Attorney	AM	N	<p>Changes to Form Interrogatories for Collecting Unpaid Victim Restitution Code Civ. Proc. § 2033.5(d), (e):</p> <ol style="list-style-type: none"> <li>1. Sec. 1: The first sentence is not appropriate for these interrogatories and may confuse.</li> </ol>	<ol style="list-style-type: none"> <li>1. Disagree.</li> <li>2. Disagree. The current language is</li> </ol>



**SPR03-27**

**Form Interrogatories for Collecting Unpaid Victim Restitution in Criminal Cases**  
**(adopt form CR-200, Form Interrogatories—Crime Victim Restitution)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				<p>2. Sec. 3. I suggest the addition of the following at the end of the Introduction, before the jurat: “The failure to answer questions fully and truthfully may be a violation of Penal Code section 155.5 and the terms of probation (if the defendant is on probation).” Instead of “may” before the jurat, “must” should be used.</p> <p>3. Sec. 4.: Definitions: “address” should be defined to include phone number and e-mail address.</p> <p>4. Sec 5.: Additional questions (some of these additions are suggested by Penal Code Section 1203.044(j)):  Are there any trusts of which the defendant is the beneficiary or trustor? If so, state the name and address of the trustee, the name and date of the trust, and list the assets in the trust.</p> <p>List the name and address of all partnerships, corporations or limited liability companies in which you have a beneficial ownership of 5% or more.</p> <p>List all contracts, leases and prizes under which you have the right to receive any money or property. Include the addresses to the parties to the contracts and leases, the subject of the contract or lease and the name of the entity</p>	<p>correct, as the declarant must verify the form but may use the suggested language.</p> <p>3. Not necessary as phone number is requested in 2.3.</p> <p>4. Agree in part (Trusts question). Will be added to section 10.0, Other Assets.</p>

**SPR03-27**

Form Interrogatories for Collecting Unpaid Victim Restitution in Criminal Cases  
(adopt form CR-200, Form Interrogatories—Crime Victim Restitution)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				<p>which awarded the prize.</p> <p>Describe any stamp, coin or other collections you have.</p> <p>List all life insurance policies you have by Insurance company, policy number and type of policy.</p> <p>List all stockbrokers with whom you have done business in the last three years, their address and all account numbers.</p>	
6.	Mr. Peter W. Thompson Deputy Attorney General California Department of Justice	AM	N	Interrogatories 10.2 and 10.3 are redundant.	Agree.